

Rule D. Hearing commissioners.

(a) Assignment of duties. Hearing commissioners appointed pursuant to the Rules of this Court, when designated by the Chief Judge, may perform the duties specified in this Rule and such other functions incidental to these duties as are consistent with the Rules of the Superior Court and the Constitution and the laws of the United States and of the District of Columbia.

(b) Proceedings for establishment, enforcement or modification of child support. (1) In any case brought under D.C. Code § 11-1101(1), (3), (10), or (11) involving the establishment or enforcement of child support, or in any case seeking to modify an existing child support order, where a hearing commissioner in the Family Division of the Superior Court finds that there is an existing duty of support, the hearing commissioner shall conduct a hearing on support and, within 30 days from the conclusion of the hearing, the hearing commissioner shall issue written findings of fact and conclusions of law, and enter judgment as provided by law and in accordance with D.C. Code § 16-916.1 [§ 16-916.01, 2001 Ed.], which judgment shall constitute a final judgment of the Superior Court. A copy of the order of support shall be given to all parties in the case. The written findings of fact and conclusions of law issued pursuant to this subparagraph shall include:

- (A) The name and relationship of the parties;
- (B) The name, age, and any exceptional information about the child;
- (C) The duty of support owed;
- (D) The amount of monthly support payments order in the case;
- (E) The amount of any other support payments previously ordered to be paid by the obligor;
- (F) The annual earnings of the parents;
- (G) The social security numbers of the parents;
- (H) The name, address and telephone number of each parent's employer;
- (I) The name, address, and telephone number of any person, organization, corporation, or government entity that holds real or personal assets of the obligor;
- (J) A statement that each parent is bound by this order to notify the Court within 10 days of any change in address or employment;
- (K) Notice that support payments shall be withheld from earnings or other income as defined in D.C. Code § 30-501 [§ 46-201, 2001 Ed.] when there are arrearages equal to 30 days of support payments;
- (L) Notice that if withholding commences, all payments shall be made through the Court registry and any other payments shall be considered a gift and shall not offset the duty of support ordered by the Court;

(M) Notice that a withholding order may be changed if either party moves to request a reapportionment of periodic arrears payments to reflect a change in the obligor's ability to pay; and

(N) Notice that a party may within 10 days after entry of a hearing commissioner's order or judgment file a motion for review of that order or judgment pursuant to subparagraph (e)(1) of this Rule.

(2) All cases brought pursuant to D.C. Code § 11-1101(11) shall be referred to a hearing commissioner sitting in the Family Division who shall:

(A) Determine whether paternity will be acknowledged and, if so, enter an adjudication of paternity and thereafter conduct a hearing on support as provided in subparagraph (b)(1) of this Rule; or

(B) Determine whether to order medical, genetic blood or tissue grouping tests and, if so, thereafter hear and determine the issues of paternity and amount of support or, if the case involves complex issues requiring judicial resolution, refer it to a judge for determination of those issues.

(3) If in a case under subparagraph (b)(1), (2), or (3), the hearing commissioner finds that a duty of support exists and makes a finding that the case involves complex issues requiring judicial resolution, the hearing commissioner shall establish a temporary support obligation and refer unresolved issues to a judge, except that the hearing commissioner shall not establish a temporary support obligation if parentage is at issue.

(4) In a case under subparagraph (b)(1), (2), or (3), if an individual fails to appear or otherwise respond, and the hearing commissioner finds that the individual owes a duty of support and has been served or given notice of the proceeding under any applicable statute or rule, the hearing commissioner shall enter a default order, which shall constitute a final order of the Superior Court.

(c) *Other family division proceedings.* With the consent of the parties, and subject to the other provisions of this Rule, a hearing commissioner may conduct proceedings in any other contested or uncontested matter in the Family Division, excluding jury trials and felony juvenile trials. In these proceedings, the hearing commissioner may make findings and enter final orders or judgments which shall constitute final orders or judgments of the Superior Court.

(d) *Other duties.* The authority of a hearing commissioner in the Family Division shall include the power to appoint counsel for parties, assign trial dates, issue notices of hearing and orders directing appearance, and certify actions for disposition before a judge. In addition, a hearing commissioner may issue a bench warrant or custody order for a respondent who fails to appear in Court, and may quash such a bench warrant or custody order.

(e) *Review of hearing commissioner's order or judgment.* (1) Upon motion. With respect to proceedings and hearings under paragraphs (b) and (c) of this Rule, a review of the hearing commissioner's order or judgment, in whole or in part, shall be made by a judge designated by the Chief Judge to act on all motions for review under this Rule upon motion of a party. Such motion shall be filed and served on all parties not later than 30 days after entry of the order or judgment with respect to

a motion made pursuant to paragraph (b) of this rule and 10 days after the entry of this rule. The motion for review shall designate the order, judgment, or part thereof, for which review is being sought, shall specify the grounds for the objection to the hearing commissioner's order, judgment, or part thereof, and shall include a written summary of any evidence presented before the hearing commissioner relating to the grounds for the objection. Within 10 days after being served with said motion, a party may file and serve a response, which shall describe any proceedings before the hearing commissioner which conflict with or expand upon the summary filed by the moving party. The judge designated by the Chief Judge shall review those portions of the hearing commissioner's order or judgment to which objection is made, and may affirm, reverse, modify, or remand, in whole or in part, the hearing commissioner's order or judgment and enter an appropriate order of judgment.

(2) On initiative of Court. Not later than 30 days after entry of a hearing commissioner's order or judgment pursuant to paragraphs (b) or (c) of this Rule, the judge designated by the Chief Judge may sua sponte review said order or judgment in whole or in part. After giving the parties due notice and opportunity to make written submissions on the matter, the judge may affirm, reverse, modify, or remand, in whole or in part, the hearing commissioner's order or judgment.

(3) Stay of proceedings. Upon a showing that the hearing commissioner has refused or otherwise failed to say an order or judgment pending review under this Rule, the movant may, with reasonable notice to all parties, apply to the judge for a stay. The stay may be conditioned upon the filing of a bond or other appropriate security.

(4) Extension of time to file motion for review. Upon a showing of excusable neglect and notice to the parties the judge designated by the Chief Judge pursuant to subparagraph (e)(1) of this Rule, may before or after the time prescribed by subparagraph (e)(1) has expired, with or without motion, extend the time for filing and serving a motion for review of a hearing commissioner's order or judgment for a period not to exceed 20 days from the expiration of the time otherwise prescribed by subparagraph (e)(1).

(f) *Appeal*. An appeal of the hearing commissioner's order or judgment may be made to the District of Columbia Court of Appeals only after a judge of the Superior Court has reviewed the hearing commissioner's order or judgment pursuant to paragraph (e) of this Rule.

(g) *Contempt*. A hearing commissioner may order an individual to show cause before the Presiding Judge of the Family Division, or his or her designee, why the individual should not be held in civil or criminal contempt for disobedience or resistance to any lawful order, process, or writ issued by the hearing commissioner or for any other act or conduct committed before a hearing commissioner which if committed before a judge would constitute contempt. An order to show cause why the individual should not be held in criminal contempt shall state the time and place of hearing, allowing a reasonable time for the preparation of the defense, and shall state the essential facts constituting the criminal contempt charged and describe it as such. (Amended, Dec. 15, 1972; Nov. 2, 1987; Jan. 21, 1988, eff. Apr. 1, 1988; eff. May 13, 1991; June 26, 1995.)